

## A Guide for Students Seeking Residence Vaccine Exemptions

\*please note these comments have been prepared on the basis of Ontario as the elected province of study; students in other provinces should research the comparable details pertaining to their province.

Currently in Canada, COVID-19 vaccines are *not* mandatory. While the government does have the power to mandate vaccines in specific circumstances (such as a pandemic), it has not done so, and has relied on a fully voluntary vaccination campaign so far.

However, a small number of post-secondary schools have decided to mandate COVID-19 vaccines for residents: University of Toronto, Western University and Fanshawe College.

IMPORTANT: Even when vaccines are mandated, as Ontario does with certain vaccines for school-aged children, you (and parents) have the right to request an exemption. This is your legally protected right, and it is outlined in the *Immunization of Schools Pupils Act*.

Before requesting an accommodation, consider your options. To avoid the steps listed below, you may wish to choose to live off-campus, and still attend your university of choice. However, that may not be financially or physically feasible for you, in which case:

### How to Request an Accommodation:

1. Write to your university explaining your need to request an accommodation. They should reply with the documents needed for you to do so.

Western, in Question 7 of their [faq page](#), has provided the e-mail for you to do so: “*you may request an accommodation form by emailing [housingrequests@uwo.ca](mailto:housingrequests@uwo.ca), indicating the accommodation ground pertaining to your situation (medical or creed/religious).*”

2. Indicate the grounds on which you seek accommodation. (see sample email below)
3. Wait for a reply with necessary forms and further instructions.

#### IMPORTANT INFORMATION provided by Western:

*Please note that if you are requesting an accommodation for **medical reasons**, you will be asked to submit a form signed by a physician or nurse practitioner confirming you have a medical condition that prevents you from receiving the vaccine.*

*If you are requesting an accommodation for **creed/religious reasons**, you will be asked to submit a form signed by you (or your parent or legal guardian, if you are under the age of 18) and sworn by a Commissioner of Oaths.*

*We ask that those students intending to make an accommodation request do so by **August 3, 2021**.*

4. All schools are using the same wording to communicate this option to students:

“Any student who cannot be vaccinated on medical grounds or other grounds recognized by the Ontario Human Rights Code can request an exemption.”

### What are “other grounds”?

The grounds recognized by the Ontario Human Rights Code are medical, religious and creed.

“Creed” has been interpreted in light of the Canadian Charter of Rights and Freedoms’ similar word “conscience.” Both *The Charter* and the Human Rights Code distinguish creed/conscience from religion. **This means that your freedom of conscience and creed do not depend on any religious affiliation.** A belief is subjectively defined by the claimant (you), and the focus is on the *sincerity* of the belief or practice, rather than on its *validity*. Note that there is no definition of creed in the Code, and its understanding and legal scope has been evolving with the law.<sup>1</sup>

### Example of an email for your first point of contact with your university regarding accommodation:

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To whom it may concern,

I am a student of [university name], relying on living in residence for my studies. I understand that the university is doing everything in its power to ensure a safe environment for us all come the fall, and that this has translated into mandating COVID-19 vaccines for all residents.

However, as per the Ontario Human Rights Code, and the *Immunization of School Pupils Act*, I respectfully request an accommodation based on my freedom of creed and conscience.

I would be very grateful if you can provide me with the necessary forms and further instructions on how to proceed with this request.

Sincerely,

X

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<sup>1</sup> <http://www.ohrc.on.ca/en/human-rights-and-creed>

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Should the University respond to you requiring more information, you may wish to rely on the following lines to help you further articulate your request. Your belief in your right to make informed decisions about your body, especially regarding medical products that have yet to pass all clinical trials, can form its basis:

- It is my deep and strongly held belief that I retain the right to make informed decisions about my body.
- It is my deep and strongly held belief that I should follow medical procedures that have robust and long-term clinical safety data.
- Due to the lack of long term safety data on these particular vaccines, which have only been approved through an interim order in light of the past emergency, it would be against my belief to take this experimental vaccine.
- Already, the vaccine has had many serious side-effects. The CDC itself has now listed myocarditis as a side-effect of the vaccines, “*particularly in adolescents and young adults.*” I belong to this group. ( <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/myocarditis.html> )
- The right to my bodily integrity informs my deep commitment and belief that I should wait until more information is available regarding this vaccine, before making a decision in my own time.
- These decisions should not be coerced by an educational institution, nor should they impede my ability to attend university.
- By law, I cannot receive medical treatment for which I have not provided informed consent. Informed consent requires the institution administering the treatment to inform me of the risks and possible side effects. I have not received from the university any such information, nor do I believe it possible that you can authoritatively provide such long term risks to me at this time.
- Neither federal nor provincial governments have made official recommendations that schools should mandate the vaccine. Only an extremely small minority of schools have mandated vaccines for residents.

*Further helpful resources:*

- The Ontario government has outlined the steps needed for traditional vaccine exemptions: <https://www.ontario.ca/page/vaccines-children-school#section-4>